

AMENDED IN ASSEMBLY APRIL 28, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2353**

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### **Introduced by Assembly Member Logue**

February 19, 2010

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An act to add Section 66908.5 to the Government Code, and to amend Sections 31108, 33208, and 33350 of, and to add Sections 32351, 32539, 32573.5, 32604.5, 32638.5, and 33510 to, the Public Resources Code, relating to conservancies.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2353, as amended, Logue. Conservancies: reporting requirements.

(1) Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve public lands in the state. Existing law requires the State Coastal Conservancy, the Santa Monica Mountains Conservancy, and the Sierra Nevada Conservancy, to submit a report, at specified times, to the Legislature.

This bill would require the California Tahoe Conservancy, the Sacramento-San Joaquin Delta Conservancy, the San Joaquin River Conservancy, the Baldwin Hills Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, the San Diego River Conservancy, and the Coachella Valley Mountain Conservancy to submit biennial reports to the Legislature and to the Secretary of the Natural Resources Agency detailing their funding, land management costs, administrative costs, and a description of, and the amount of money expended for, all projects funded by the conservancy, a project

schedule, and progress toward achieving specified purposes, *among other things*. The bill would also conform the dates for submitting the reports to when the existing reports are required to be submitted by the State Coastal Conservancy, Santa Monica Mountains Conservancy, and the Sierra Nevada Conservancy.

(2) Existing law requires the Santa Monica Mountains Conservancy to transmit to the Governor and the Legislature a 2-part report with specified information, including, among other things, information in the 2nd part of the report regarding the disposition of the funds appropriated to the conservancy in the fiscal year preceding the year in which the report was made.

This bill would instead require the 2nd part of the report to include information regarding the disposition of the funds appropriated to the conservancy in the 2 fiscal years preceding the year in which the report was made, *among other things, including, but not limited to, information on state and nonstate funding sources*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 66908.5 is added to the Government
- 2 Code, to read:
- 3 66908.5. Notwithstanding Section 10231.5, the conservancy
- 4 shall provide a report to the Legislature and to the Secretary of the
- 5 Natural Resources Agency on or before January 1, 2012, and on
- 6 or before January 1 every even-numbered year thereafter. The
- 7 report shall contain information regarding all of the following:
- 8 (a) State and nonstate funding sources and revenues.
- 9 (b) Land management costs and administrative costs.
- 10 (c) A description of, and the amount of money expended for,
- 11 all projects ~~funded~~, *including, but not limited to, acquisition of*
- 12 *real property in fee or lesser interest, grants, or loans, funded or*
- 13 *undertaken* by the conservancy either directly or through nonstate
- 14 entities.
- 15 (d) A schedule of projects undertaken, *including, but not limited*
- 16 *to, acquisition of real property in fee or lesser interest, grants, or*
- 17 *loans, funded or undertaken by the conservancy*.
- 18 (e) A description of progress made toward achievement of the
- 19 purposes set forth in Section 66905.2.

1     (f) *A description of program or project priorities in the next two*  
2     *years.*

3     (g) *A description of the conservancy's formal partnership with,*  
4     *or membership in, pursuant to a memorandum of understanding*  
5     *or agreement, a joint powers authority, nonprofit organization,*  
6     *or local, state, or federal government agency, and the purpose of*  
7     *the partnership or membership.*

8     (h) *Recommendations to the Legislature on additional funding,*  
9     *legislation, or other resources required to more effectively or*  
10    *efficiently carry out the conservancy's mission, goals, or objectives.*

11    SEC. 2. Section 31108 of the Public Resources Code is  
12    amended to read:

13    31108. Notwithstanding Section 10231.5 of the Government  
14    Code, on or before January 1, 2012, and on or before January 1  
15    every even-numbered year thereafter, the conservancy shall prepare  
16    and submit to the Governor and to the Legislature a report  
17    describing progress in achieving the objectives of this division.  
18    The report shall include the following:

19    ~~(a) An evaluation of the effectiveness of the conservancy's~~  
20    ~~programs in preserving agricultural lands, restoring coastal habitat,~~  
21    ~~providing public access to the coastline, and in undertaking other~~  
22    ~~functions prescribed in this division.~~

23    ~~(b) Identification of additional funding, legislation, or other~~  
24    ~~resources required to more effectively carry out the objectives of~~  
25    ~~this division.~~

26    ~~(c) A discussion of its progress in addressing the goals, priority~~  
27    ~~areas, and concerns referenced in subdivision (a) of Section 31163,~~  
28    ~~including, but not limited to, any funds that are received or~~  
29    ~~disbursed for purposes related to addressing those goals, priority~~  
30    ~~areas, and concerns.~~

31    (a) *State and nonstate funding sources and revenues.*

32    (b) *Land management costs and administrative costs.*

33    (c) *A description of, and the amount of money expended for, all*  
34    *projects, including, but not limited to, acquisition of real property*  
35    *in fee or lesser interest, grants, or loans, funded or undertaken by*  
36    *the conservancy either directly or through nonstate entities.*

37    (d) *A schedule of projects undertaken, including, but not limited*  
38    *to, acquisition of real property in fee or lesser interest, grants, or*  
39    *loans, funded or undertaken by the conservancy.*

1     (e) A description of progress made toward achievement of the  
2     agricultural preservation, coastal habitat restoration and  
3     enhancement, public access, and other goals and objectives of the  
4     conservancy, including the San Francisco Bay Conservancy  
5     Program.

6     (f) A description of program or project priorities in the next two  
7     years.

8     (g) A description of the conservancy's formal partnership with,  
9     or membership in, pursuant to a memorandum of understanding  
10    or agreement, a joint powers authority, nonprofit organization,  
11    or local, state, or federal government agency, and the purpose of  
12    the partnership or membership.

13    (h) Recommendations to the Legislature on additional funding,  
14    legislation, or other resources required to more effectively or  
15    efficiently carry out the conservancy's mission, goals, or objectives.

16    SEC. 3. Section 32351 is added to the Public Resources Code,  
17    to read:

18    32351. Notwithstanding Section 10231.5 of the Government  
19    Code, the conservancy shall provide a report to the Legislature  
20    and to the Secretary of the Natural Resources Agency on or before  
21    January 1, 2012, and on or before January 1 every even-numbered  
22    year thereafter. The report shall contain information regarding all  
23    of the following:

24    (a) State and nonstate funding sources and revenues.

25    (b) Land management costs and administrative costs.

26    (c) A description of, and the amount of money expended for,  
27    all projects ~~funded~~, including, but not limited to, acquisition of  
28    real property in fee or lesser interest, grants, or loans, funded or  
29    undertaken by the conservancy either directly or through nonstate  
30    entities.

31    (d) A schedule of projects undertaken, including, but not limited  
32    to, acquisition of real property in fee or lesser interest, grants, or  
33    loans, funded or undertaken by the conservancy.

34    (e) A description of progress made toward achievement of the  
35    purposes set forth in Section 32322.

36    (f) A description of program or project priorities in the next two  
37    years.

38    (g) A description of the conservancy's formal partnership with,  
39    or membership in, pursuant to a memorandum of understanding  
40    or agreement, a joint powers authority, nonprofit organization,

1 *or local, state, or federal government agency, and the purpose of*  
2 *the partnership or membership.*

3 *(h) Recommendations to the Legislature on additional funding,*  
4 *legislation, or other resources required to more effectively or*  
5 *efficiently carry out the conservancy's mission, goals, or objectives.*

6 SEC. 4. Section 32539 is added to the Public Resources Code,  
7 to read:

8 32539. Notwithstanding Section 10231.5 of the Government  
9 Code, the conservancy shall provide a report to the Legislature  
10 and to the Secretary of the Natural Resources Agency on or before  
11 January 1, 2012, and on or before January 1 every even-numbered  
12 year thereafter. The report shall contain information regarding all  
13 of the following:

14 (a) State and nonstate funding sources and revenues.

15 (b) Land management costs and administrative costs.

16 (c) A description of, and the amount of money expended for,  
17 all projects ~~funded~~, *including, but not limited to, acquisition of*  
18 *real property in fee or lesser interest, grants, or loans, funded or*  
19 *undertaken by the conservancy either directly or through nonstate*  
20 *entities.*

21 (d) A schedule of projects undertaken, *including, but not limited*  
22 *to, acquisition of real property in fee or lesser interest, grants, or*  
23 *loans, funded or undertaken by the conservancy.*

24 (e) A description of progress made toward implementation of  
25 the San Joaquin River Parkway Plan.

26 (f) *A description of program or project priorities in the next two*  
27 *years.*

28 (g) *A description of the conservancy's formal partnership with,*  
29 *or membership in, pursuant to a memorandum of understanding*  
30 *or agreement, a joint powers authority, nonprofit organization,*  
31 *or local, state, or federal government agency, and the purpose of*  
32 *the partnership or membership.*

33 *(h) Recommendations to the Legislature on additional funding,*  
34 *legislation, or other resources required to more effectively or*  
35 *efficiently carry out the conservancy's mission, goals, or objectives.*

36 SEC. 5. Section 32573.5 is added to the Public Resources Code,  
37 to read:

38 32573.5. Notwithstanding Section 10231.5 of the Government  
39 Code, the conservancy shall provide a report to the Legislature  
40 and to the Secretary of the Natural Resources Agency on or before

1 January 1, 2012, and on or before January 1 every even-numbered  
2 year thereafter. The report shall contain information regarding all  
3 of the following:

4 (a) State and nonstate funding sources and revenues.

5 (b) Land management costs and administrative costs.

6 (c) A description of, and the amount of money expended for,  
7 all projects ~~funded~~, *including, but not limited to, acquisition of*  
8 *real property in fee or lesser interest, grants, or loans, funded or*  
9 *undertaken* by the conservancy either directly or through nonstate  
10 entities.

11 (d) A schedule of projects undertaken, *including, but not limited*  
12 *to, acquisition of real property in fee or lesser interest, grants, or*  
13 *loans, funded or undertaken by the conservancy.*

14 (e) A description of progress made toward achievement of the  
15 purposes set forth in Section 32555.

16 (f) *A description of program or project priorities in the next two*  
17 *years.*

18 (g) *A description of the conservancy's formal partnership with,*  
19 *or membership in, pursuant to a memorandum of understanding*  
20 *or agreement, a joint powers authority, nonprofit organization,*  
21 *or local, state, or federal government agency, and the purpose of*  
22 *the partnership or membership.*

23 (h) *Recommendations to the Legislature on additional funding,*  
24 *legislation, or other resources required to more effectively or*  
25 *efficiently carry out the conservancy's mission, goals, or objectives.*

26 SEC. 6. Section 32604.5 is added to the Public Resources Code,  
27 to read:

28 32604.5. Notwithstanding Section 10231.5 of the Government  
29 Code, the conservancy shall provide a report to the Legislature  
30 and to the Secretary of the Natural Resources Agency on or before  
31 January 1, 2012, and on or before January 1 every even-numbered  
32 year thereafter. The report shall contain information regarding all  
33 of the following:

34 (a) State and nonstate funding sources and revenues.

35 (b) Land management costs and administrative costs.

36 (c) A description of, and the amount of money expended for,  
37 all projects ~~funded~~, *including, but not limited to, acquisition of*  
38 *real property in fee or lesser interest, grants, or loans, funded or*  
39 *undertaken* by the conservancy either directly or through nonstate  
40 entities.

1 (d) A schedule of projects undertaken, *including, but not limited*  
2 *to, acquisition of real property in fee or lesser interest, grants, or*  
3 *loans, funded or undertaken by the conservancy.*

4 (e) A description of progress made toward achievement of the  
5 purposes set forth in Section 32602 ~~and~~, implementation of the  
6 San Gabriel and Lower Los Angeles Parkway and Open Space  
7 Plan, *and the San Gabriel and Los Angeles River Watershed and*  
8 *Open Space Plan pursuant to Section 79508 of the Water Code.*

9 (f) *A description of program or project priorities in the next two*  
10 *years.*

11 (g) *A description of the conservancy's formal partnership with,*  
12 *or membership in, pursuant to a memorandum of understanding*  
13 *or agreement, a joint powers authority, nonprofit organization,*  
14 *or local, state, or federal government agency, and the purpose of*  
15 *the partnership or membership.*

16 (h) *Recommendations to the Legislature on additional funding,*  
17 *legislation, or other resources required to more effectively or*  
18 *efficiently carry out the conservancy's mission, goals, or objectives.*

19 SEC. 7. Section 32638.5 is added to the Public Resources Code,  
20 to read:

21 32638.5. Notwithstanding Section 10231.5 of the Government  
22 Code, the conservancy shall provide a report to the Legislature  
23 and to the Secretary of the Natural Resources Agency on or before  
24 January 1, 2012, and on or before January 1 every even-numbered  
25 year thereafter. The report shall contain information regarding all  
26 of the following:

27 (a) State and nonstate funding sources and revenues.

28 (b) Land management costs and administrative costs.

29 (c) A description of, and the amount of money expended for,  
30 all projects ~~funded~~, *including, but not limited to, acquisition of*  
31 *real property in fee or lesser interest, grants, or loans, funded or*  
32 *undertaken by the conservancy either directly or through nonstate*  
33 *entities.*

34 (d) A schedule of projects undertaken, *including, but not limited*  
35 *to, acquisition of real property in fee or lesser interest, grants, or*  
36 *loans, funded or undertaken by the conservancy.*

37 (e) A description of progress made toward achievement of the  
38 purposes set forth in Section 32633 and implementation of the  
39 conservancy's Five Year Strategic and Infrastructure Plan  
40 (2006–2011) as specified on the conservancy's Internet Web site.

1     (f) *A description of program or project priorities in the next two*  
2     *years.*

3     (g) *A description of the conservancy's formal partnership with,*  
4     *or membership in, pursuant to a memorandum of understanding*  
5     *or agreement, a joint powers authority, nonprofit organization,*  
6     *or local, state, or federal government agency, and the purpose of*  
7     *the partnership or membership.*

8     (h) *Recommendations to the Legislature on additional funding,*  
9     *legislation, or other resources required to more effectively or*  
10    *efficiently carry out the conservancy's mission, goals, or objectives.*

11    SEC. 8. Section 33208 of the Public Resources Code is  
12    amended to read:

13    33208. Notwithstanding Section 10231.5 of the Government  
14    Code, on or before January 1, 2012, and on or before January 1  
15    every even-numbered year thereafter, the conservancy shall  
16    transmit to the Governor and the Legislature a two-part report as  
17    follows:

18    (a) The first part of the report shall include all of the following:

19    (1) A listing of, and justification for, the projects proposed to  
20    be undertaken pursuant to Section 33204, a statement of the  
21    condition of the fund, and a certification by the conservancy that  
22    each of the projects proposed to be funded are consistent with the  
23    plan.

24    (2) A priority listing of the projects that shall be developed after  
25    public hearings and findings and with local government  
26    coordination.

27    (3) A listing of the amount of money necessary, if any, to retire  
28    bonded indebtedness for water and sewer and other utilities already  
29    incurred by property owners which, if left outstanding, would  
30    contribute to further development of the zone in a manner  
31    inconsistent with the plan. Upon appropriation by the Legislature,  
32    the conservancy may make grants from the fund to retire that  
33    bonded indebtedness from any money specifically granted by the  
34    Secretary of the Interior for that purpose.

35    (b) The second part of the report shall include all of the  
36    following:

37    (1) A schedule of projects undertaken by the conservancy and  
38    a schedule of grants and loans made by the conservancy.

39    (2) The program specified in Section 33204 under which each  
40    project, grant, or loan was carried out and the manner and extent



1 to which the goals of the project, grant, or loan, and the goals of  
2 this division, were achieved and the actual cost thereof, including  
3 an accounting.

4 (3) A schedule of grants awarded to the conservancy and the  
5 disposition of the funds granted.

6 (4) The disposition of the funds appropriated to the conservancy  
7 in the two fiscal years preceding the year in which the report is  
8 made.

9 (5) A review of local and state government actions taken to  
10 implement the plan.

11 (6) An identification of additional funding, legislation, or other  
12 resources required which would more effectively enable the  
13 conservancy or local governments to carry out the purposes of this  
14 division.

15 (7) *State and nonstate funding sources and revenues.*

16 (8) *Land management costs and administrative costs.*

17 (9) *A description of program or project priorities in the next*  
18 *two years.*

19 (10) *A description of the conservancy's partnership with, or*  
20 *membership in, pursuant to a memorandum of understanding or*  
21 *agreement, a joint powers authority, nonprofit organization,*  
22 *government agency, or any other subdivision of the state and the*  
23 *purpose of the partnership or membership.*

24 (11) *A description of progress made toward achievement of the*  
25 *goals and objectives of the Santa Monica Mountains Conservancy*  
26 *Act and the San Gabriel and Los Angeles River Watershed and*  
27 *Open Space Plan pursuant to Section 79508 of the Water Code.*

28 SEC. 9. Section 33350 of the Public Resources Code is  
29 amended to read:

30 33350. Notwithstanding Section 10231.5 of the Government  
31 Code, on or before January 1, 2012, and on or before January 1  
32 every even-numbered year thereafter, the conservancy shall make  
33 a report to the Legislature and to the Secretary of the Natural  
34 Resources Agency regarding expenditures, land management costs,  
35 and administrative costs. *Agency. The report shall contain*  
36 *information regarding all of the following:*

37 (a) *State and nonstate funding sources and revenues.*

38 (b) *Land management costs and administrative costs.*

39 (c) *A description of, and the amount of money expended for, all*  
40 *projects, including, but not limited to, acquisition of real property*

1 *in fee or lesser interest, grants, or loans, funded or undertaken by*  
2 *the conservancy either directly or through nonstate entities.*

3 *(d) A schedule of projects undertaken, including, but not limited*  
4 *to, acquisition of real property in fee or lesser interest, grants, or*  
5 *loans, funded or undertaken by the conservancy.*

6 *(e) A description of progress made toward achievement of the*  
7 *goals and objectives of Section 33301.*

8 *(f) A description of program or project priorities in the next two*  
9 *years.*

10 *(g) A description of the conservancy's formal partnership with,*  
11 *or membership in, pursuant to a memorandum of understanding*  
12 *or agreement, a joint powers authority, nonprofit organization,*  
13 *or local, state, or federal government agency, and the purpose of*  
14 *the partnership or membership.*

15 *(h) Recommendations to the Legislature on additional funding,*  
16 *legislation, or other resources required to more effectively or*  
17 *efficiently carry out the conservancy's mission, goals, or objectives.*

18 SEC. 10. Section 33510 is added to the Public Resources Code,  
19 to read:

20 33510. Notwithstanding Section 10231.5 of the Government  
21 Code, the conservancy shall provide a report to the Legislature  
22 and to the Secretary of the Natural Resources Agency on or before  
23 January 1, 2012, and on or before January 1 every even-numbered  
24 year thereafter. The report shall contain information regarding all  
25 of the following:

26 (a) State and nonstate funding sources and revenues.

27 (b) Land management costs and administrative costs.

28 (c) A description of, and the amount of money expended for,  
29 all projects ~~funded~~, *including, but not limited to, acquisition of*  
30 *real property in fee or lesser interest, grants, or loans, funded or*  
31 *undertaken by the conservancy either directly or through nonstate*  
32 *entities.*

33 (d) A schedule of projects undertaken, *including, but not limited*  
34 *to, acquisition of real property in fee or lesser interest, grants, or*  
35 *loans, funded or undertaken by the conservancy.*

36 (e) A description of progress made toward achievement of the  
37 purposes set forth in Section 33501.

38 (f) A description of program or project priorities in the next two  
39 years.

1     (g) *A description of the conservancy's formal partnership with,*  
2     *or membership in, pursuant to a memorandum of understanding*  
3     *or agreement, a joint powers authority, nonprofit organization,*  
4     *or local, state, or federal government agency, and the purpose of*  
5     *the partnership or membership.*

6     (h) *Recommendations to the Legislature on additional funding,*  
7     *legislation, or other resources required to more effectively or*  
8     *efficiently carry out the conservancy's mission, goals, or objectives.*

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